

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**ITEM NO.22
C.P. No.27/GB/2022**

Coram:

**Hon'ble Shri Deep Chandra Joshi, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference**

**ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 19.01.2023**

In the matter of:

United Khulmi Export Import Pvt. Ltd.
Versus
Registrar of Companies, NER

Section: Under Section 252 (1) of the Companies Act, 2013.

S.NO. NAME (CAPITAL LETTERS) DESIGNATION REPRESENTATION SIGNATURE

1.	MR. LUNKHOPAY HAUKIP	Director/CEO	Petitioner	Present in Video
2.	MR. NS ASWIN	Sr. TA	Respondent/ROC	Conference

ORDER

Date of Order: 19.01.2023

The matter is taken up for hearing through video conferencing. Heard the Appellant appeared in person and the Representative of the ROC.

2. During the hearing, it is found from the report/reply dated 18.01.2023 submitted by the ROC that the ROC has asked the Petitioner to pay Rs.43,72,000.00 as filing fee etc. Relevant paras of the ROC report dated 18.01.2023 is reproduced below:

“..6. That the company has not filed annual returns and financial statement since 2006 till date which is a violation of Section 159/92(4) and 220/137 of the Companies Act 1956 and Companies Act 2013 respectively.

7. It is submitted that for filing statutory documents (Financial statements and Annual Return) for the period 2007-2020, the company will have to pay the additional filing fee of approx. Rs. 43,72,000/- (Rupees Forty-three lakhs seventy-two thousand) as on 31.12.2022 as per the applicable fee under the Companies Act, 2013.

8. That as per the latest Company's audited balance sheet of financial year 2019- 20 submitted along with the application, the company does not have any Assets whether fixed or current assets and only cash and bank balance of Rs. 1,50,000/-. Hence, it is clear that the company's financial position as per the audited balance sheet does not permit the company to pay the filing fee of Rs. 50 lakhs or more. Therefore, the applicant may kindly be directed to furnish the details of source of funds to pay the fee which is approx. Rs. 43 lakhs...”

3. It is not clear what for such big amount has been claimed by the ROC when the application has been filed under section 252 (1) of the Companies Act, 2013 for restoration only. The ROC is directed to clarify, in the form of an Affidavit within 10 days from today, on what basis Rs. 43,72,000.00 has been claimed for restoration of the name of the company.

4. The Appellant submits that he has received the reply from the ROC. He was mostly staying in US during last few years and balance sheet has not been filed. He could not clarify certain points asked for by this Bench. He further submits that this petition has been prepared by a Chartered Accountant and he is prepared to deposit any amount with ROC for restoration of the name of the Company. The Appellant is directed to intimate the said Chartered Accountant to appear before the Bench virtually/physically during the next date of hearing for certain clarifications.

5. **List the matter on 17.02.2023.**

Sd/-

**(Prasanta Kumar Mohanty)
Member (Technical)**

Sd/-

**(Deep Chandra Joshi)
Member (Judicial)**